

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 806 OF 1997
HOUSE BILL 1619

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5 By: Representative Ferguson
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 18-11-403 TO CLARIFY THE
10 POSTED LAND LAW FOR LAND THAT BECOMES FLOODED; AND FOR
11 OTHER PURPOSES."

Subtitle

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14 "AN ACT TO CLARIFY THE POSTED LAND LAW
15 FOR LAND THAT BECOMES FLOODED."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 18-11-403 is amended to read as follows:

21 ~~§~~18-11-403. Unlawful entry upon land - Penalty.

22 (a)(1) No person shall enter for recreational purposes upon real
23 property posted pursuant to this subchapter without written permission of the
24 owner or lessee of the real property.

25 (2) It shall be unlawful for any person to enter upon any real
26 property posted under the provisions of this subchapter without the written
27 consent of the owner or lessee of the real property.

28 (3) If land posted pursuant to this subchapter becomes flooded
29 above the ordinary high watermark but the signs or paint marks are still
30 visible, it is unlawful for any person to enter within the boundaries of the
31 posted area without the written consent of the owner or lessee of the real
32 property. For purposes of this subdivision, ^④ordinary high watermark[■] means
33 the line delimiting the bed of a stream from its bank, that line at which the
34 presence of water is continued for such length of time as to mark upon the
35 soil and vegetation a distinct character.

36 (4) Provided, however, it shall be an affirmative defense to

1 prosecution under this subchapter that consent was given by a person holding
2 himself out to be the owner, lessee, or agent of the owner or lessee, of the
3 property.

4 (b) Any person who knowingly enters such real property without written
5 consent shall be guilty of a Class B misdemeanor. ~~2~~

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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21 APPROVED:3-25-97

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